



THE CITY OF NEW YORK
LAW DEPARTMENT

100 Church St.
New York, NY 10007

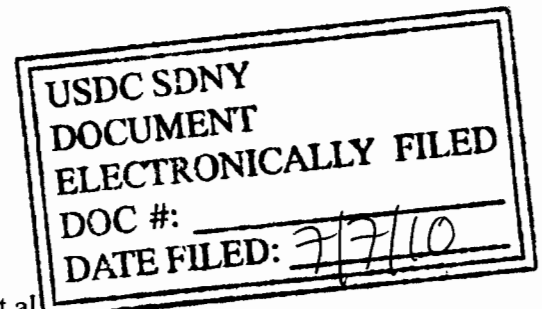
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July 2, 2010

BY FAX

Honorable Barbara S. Jones
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Orpheus Golphin v. City of New York et al
09 CV 1015 (BSJ)(JCF)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, and the attorney assigned to defend the City of New York and Officer David Collado in this matter. Defendants write to briefly respond to plaintiff's letter dated July 1, 2010.

As an initial matter, defendants do not object to plaintiff's request that he be afforded equal time to prepare and file his opposition to defendants' motion for summary. Had plaintiff's counsel previously communicated this request, defendants would have incorporated plaintiff's request into the previously proposed briefing schedule.

To the extent that plaintiff is now seeking to cross-move for relief concerning any matters relating to Officer Collado's deposition, plaintiff should be barred from making this purported discovery motion at this very belated juncture. Officer Collado's deposition was conducted on May 20, 2010 and discovery in this action closed on May 28, 2010 -- more than one month ago. As such, any complaints or discovery motions regarding Officer Collado's deposition should have been raised before the Honorable James C. Francis prior to the close of discovery. Plaintiff, however, failed to do so and is now attempting to circumvent Magistrate Judge Francis's previously imposed deadline by inappropriately seeking relief from Your Honor. Plaintiff should be barred from seeking any relief from this Court regarding discovery.

To the extent that Your Honor is inclined to permit plaintiff to raise these belated discovery issues before this Court, defendants' respectfully submit that plaintiff's purported

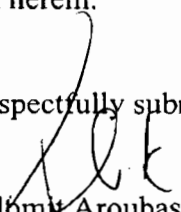
discovery cross-motion should not affect defendants' motion for summary judgment. Accordingly, defendants respectfully request that the Court endorse the following revised proposed briefing schedule which incorporates plaintiff's request for 60 days to oppose defendants' motion:

- Motion papers to be served by defendants: August 30, 2010
- Opposition papers to be served by plaintiff: October 30, 2010
- Reply papers, if any, to be served by defendants: November 15, 2010

In accordance with Your Honor's individual rules, defendants will file the motion with the Clerk promptly following service, and will submit a courtesy copy of the fully-briefed motion to Chambers.

Defendants thank the Court for its consideration herein.

Respectfully submitted,

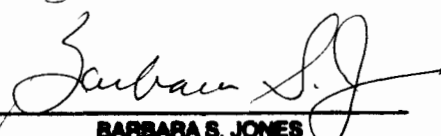

Shlomit Aroubas
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Mark Lubelsky, Esq. (By Fax)
Mark Lubelsky & Associates
Attorney for Plaintiff
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New York, New York 10011

Application granted. The above schedule shall govern the further conduct of this case. If plaintiff wishes to cross-move for relief concerning matters relating to Officer Collado's deposition, Plaintiff shall do so on or before July 14, 2010. Defendants need not respond to such cross-motion unless or until the Court directs them to do so. The Court will rule on any cross-motion promptly. The above schedule will not be affected by the Court's consideration of any cross-motion filed by Plaintiff.

SO ORDERED

Dated:


BARBARA S. JONES
U.S.D.J.

7/6/10